

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KAREEM OMAR JONES,

Plaintiff,

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants.

19-CV-9126 (LLS)

ORDER

LOUIS L. STANTON, United States District Judge:

By order dated March 27, 2020, the Court dismissed this action under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim. (*See* ECF No. 14, entered 3/30/2020.) On April 30, 2020, the Court received Plaintiff's notice of appeal (*see* ECF No. 16), and on the same day, transmitted the notice to the United States Court of Appeals for the Second Circuit. Over one month later, on June 23, 2020, the Court received Plaintiff's "informal application for modification," which is dated May 31, 2020, and postmarked June 15, 2020. (*See* ECF No. 17.)

As Petitioner's case is now on appeal, the Court no longer has jurisdiction over this action.<sup>1</sup> *See Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance – it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."). Because Petitioner's appeal divests this Court of jurisdiction over the action, the Court cannot consider Petitioner's motion until his appeal proceedings are closed.

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<sup>1</sup> Under the Federal Rules of Appellate Procedure, if a party (1) files a motion under Federal Rule of Civil Procedure 60(b) within 28 days after judgment is entered, *see* Fed. R. App. P. 4(a)(4)(A)(vi), and (2) files a notice of appeal before the district court disposes of that motion, then the notice of appeal does not become "effective" until after the district court rules on the motion, *see* Fed. R. App. P. 4(a)(4)(B)(i). Because Plaintiff did not file this motion within 28 days after his judgment was entered, this rule does not apply.

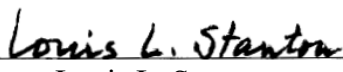
**CONCLUSION**

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

The Clerk of Court is further directed to deliver a copy of this order to the Clerk of the United States Court of Appeals for the Second Circuit.

SO ORDERED.

Dated: September 9, 2020  
New York, New York

  
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Louis L. Stanton  
U.S.D.J.